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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,927	12/10/2003	Moo Ryong Jeong	CA1214	8607
32605	7590	09/12/2005	EXAMINER	
MACPHERSON KWOK CHEN & HEID LLP 1762 TECHNOLOGY DRIVE, SUITE 226 SAN JOSE, CA 95110			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/733,927

Applicant(s)

JEONG ET AL.

Examiner

Khawar Iqbal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 27-39 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12-10-03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following invention is required under 35 U.S.C. 121:
  - I. Claims 1-26, drawn to a wireless device, classified in class 455, subclass 450.
  - II. Claims 27-39 drawn to telecommunication system, classified in class 455, subclass 403.
2. Inventions I - II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a wireless device. Invention II has separate utility such as telecommunication system. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for one group is not required for another group, restriction for examination purposes as indicated is proper.

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5. During a telephone conversation with A. Kwok on 9/2/04 a provisional election was made without traverse to prosecute the invention of group I, claims 1-26.

Affirmation of this election must be made by applicant in replying to this Office action.

Claims 27-39 are withdrawn from further consideration by the examiner, 37 CFR

1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

7. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being unpatentable by Yegin (20030236860).

3. Regarding **claim 1** Yegin teaches a method of enabling channel scanning in a wireless station, said method comprising (figs. 1-9):

receiving from an access point data related to a possibility of domain change (para. # 0027-0031, 0037, 0039, 0044); and selecting a channel scanning method based upon said data (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 2** Yegin teaches wherein said data indicates whether there is a possibility of domain change (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 3** Yegin teaches wherein said data is based on geographic information of the access point (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 4** Yegin teaches wherein said data is based on proximity information of the access point related to a predetermined point (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 5** Yegin teaches wherein said data is based on maximum coverage area and geographical information of the access point (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 6** Yegin teaches wherein said selecting a channel scanning method comprises selecting a safe channel scanning method if there is a possibility of domain change (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 7** Yegin teaches wherein said selecting a channel scanning method comprises selecting an active channel scanning method if there is no possibility of domain change (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 8** Yegin teaches a method of enabling channel scanning in a wireless station, said method comprising (figs. 1-9):

establishing communication between said wireless station and an access point (para. # 0027-0031, 0037, 0039, 0044); receiving information in a lifetime field related to a period of time during which domain information could be used after the communication between said wireless station and said access point has been lost (para. # 0027-0031, 0037, 0039, 0044); and determining whether an elapsed period of time after the communication between said wireless station and said access point has been lost is greater than the period of time in said lifetime field (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 9** Yegin teaches wherein said receiving information comprises obtaining the shortest distance from a domain boundary to an edge of the coverage area of the access point (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 10** Yegin teaches further comprising obtaining a speed of said wireless station (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 11** Yegin teaches further comprising selecting a safe channel scanning method if the elapsed period of time is greater than the period of time in said lifetime field (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 12** Yegin teaches further comprising determining whether there is a possibility of domain change (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 13** Yegin teaches further comprising performing safe channel scanning if there is a possibility of domain change (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 14** Yegin teaches a method of enabling channel scanning in a wireless station, said method comprising (figs. 1-9):

determining if a channel of a plurality of available channels is a domain-independent channel; and actively scanning the domain-independent channel (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 15** Yegin teaches further comprising receiving a pre-alert field (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 16** Yegin teaches further comprising performing an active channel scan if valid domain information is identified during scan of the domain-independent channel (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 17** Yegin teaches a wireless station adapted to scan for channels in a wireless communication network, said wireless station comprising (figs. 1-9):

a receiver for receiving a data block, wherein said data block comprises a domain change pre-alert field (para. # 0027-0031, 0037, 0039, 0044); a controller coupled to said receiver, said controller selecting a channel scanning method based

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upon data in said domain change pre-alert field (para. # 0027-0031, 0037, 0039, 0044); and a transmitter coupled to said controller (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 18** Yegin teaches wherein said domain change pre-alert field comprises a bit indicating whether there is a possibility of domain change (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 19** Yegin teaches wherein the transmitter transmits a probe frame if said domain change pre-alert field is not set (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 20** Yegin teaches wherein said domain change pre-alert field is sent in a beacon frame (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 21** Yegin teaches wherein said domain change pre-alert field is sent in a probe response frame (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 22** Yegin teaches a wireless station adapted to scan for channels in a wireless communication network, said wireless station comprising (figs. 1-9):

a receiver for receiving a data block, wherein said data block comprises a lifetime field (para. # 0027-0031, 0037, 0039, 0044); a controller coupled to said receiver, said controller selecting a channel scanning method based upon data in said lifetime field ; and a transmitter coupled to said controller (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 23** Yegin teaches wherein the controller selects a safe channel scan method if said lifetime field has expired (para. # 0027-0031, 0037, 0039, 0044).



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Regarding **claim 24** Yegin teaches wherein said lifetime field is based upon a maximum handover time (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 25** Yegin teaches wherein said lifetime field is based on a shortest distance from a domain boundary to an edge of the coverage area of an access point (para. # 0027-0031, 0037, 0039, 0044).

Regarding **claim 26** Yegin teaches wherein said lifetime field is based upon a maximum speed of said wireless station (para. # 0027-0031, 0037, 0039, 0044).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Khawar Iqbal*

*Marsha D Banks-Harold*

MARSHA D. BANKS-HAROLD  
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